

HOUSE BILL NO. 100

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ARMSTRONG

Introduced: 3/6/23

Referred: Labor and Commerce, Education

A BILL**FOR AN ACT ENTITLED**1 **"An Act relating to teacher and public employee leave."**2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**3 * **Section 1.** AS 14.25.050(c) is amended to read:

4 (c) The employer of a teacher who, because of a physical injury caused by an
5 on-the-job assault, is on [UNPAID] leave of absence or is receiving benefits under
6 AS 23.30 shall pay the teacher's contributions required by this section while the
7 teacher is on [UNPAID] leave or receiving the workers' compensation benefits.

8 * **Sec. 2.** AS 39.20.305(a) is amended to read:

9 (a) An officer or employee of the state who is otherwise qualified to take leave
10 of absence may take **paid** family leave because of a serious health condition for a total
11 of 18 workweeks during any 24-month period. An otherwise qualified officer or
12 employee may take family leave because of pregnancy and childbirth or adoption for a
13 total of 18 workweeks within a 12-month period; the right to take leave for this reason
14 expires on the date one year after the birth or placement of the child. **The state may**
15 **not require the employee to substitute accrued paid leave to which the employee**

1 **is entitled.** [AN OFFICER OR EMPLOYEE TAKING LEAVE UNDER THIS
 2 SECTION SHALL USE ACCRUED PAID LEAVE UNTIL THE OFFICER OR
 3 EMPLOYEE HAS ONLY FIVE DAYS OF PAID LEAVE REMAINING. THE
 4 OFFICER OR EMPLOYEE MAY CHOOSE WHETHER TO RETAIN A BALANCE
 5 OF FIVE DAYS OF PAID LEAVE AND TAKE THE REMAINING LEAVE AS
 6 UNPAID LEAVE OR WHETHER TO EXHAUST THE PAID LEAVE BALANCE.
 7 AFTER REDUCING ACCRUED PAID LEAVE AS REQUIRED BY THIS
 8 SUBSECTION, THE OFFICER OR EMPLOYEE MAY TAKE LEAVE WITHOUT
 9 PAY FOR THE BALANCE OF THE FAMILY LEAVE.] If the employee is entitled
 10 to a longer period of time under AS 39.20.500, then the longer period applies. An
 11 eligible employee is entitled to take family leave

12 (1) because of pregnancy and the birth of a child of the employee or
 13 the placement of a child, other than the employee's stepchild, with the employee for
 14 adoption; the department or agency may require that an employee using family leave
 15 under this paragraph take the leave in a single block of time;

16 (2) in order to care for the employee's child, spouse, or parent who has
 17 a serious health condition; in this paragraph, "child" includes the employee's
 18 biological, adopted, or foster child, stepchild, or legal ward; and

19 (3) because of the employee's own serious health condition.

20 * **Sec. 3.** AS 39.20.500(b) is amended to read:

21 (b) An employee is eligible to take family leave if the employee has been
 22 employed by the employer for at least 35 hours a week for at least six consecutive
 23 months or for at least 17 1/2 hours a week for at least 12 consecutive months
 24 immediately preceding the leave. The leave **must** [MAY] be **paid** [UNPAID] leave.
 25 **The** [HOWEVER, THE EMPLOYEE MAY CHOOSE TO SUBSTITUTE, OR THE]
 26 employer may **not** require the employee to substitute [,] accrued paid leave to which
 27 the employee is entitled. An employer shall permit an eligible employee to take family
 28 leave because of a serious health condition for a total of 18 workweeks during any 24-
 29 month period. An employer shall permit an eligible employee to take family leave
 30 because of pregnancy and childbirth or adoption for a total of 18 workweeks within a
 31 12-month period; the right to take leave for this reason expires on the date one year

1 after the birth or placement of the child. If the employee is entitled to a longer period
 2 of time under (a) of this section, then the longer period applies. An eligible employee
 3 is entitled to take family leave

4 (1) because of pregnancy and the birth of a child of the employee or
 5 the placement of a child, other than the employee's stepchild, with the employee for
 6 adoption; an employer may require that an employee using family leave under this
 7 paragraph take the leave in a single block of time;

8 (2) in order to care for the employee's child, spouse, or parent who has
 9 a serious health condition; in this paragraph, "child" includes the employee's
 10 biological, adopted, or foster child, stepchild, or legal ward; and

11 (3) because of the employee's own serious health condition.

12 * **Sec. 4.** AS 39.20.500(d) is amended to read:

13 (d) During the time that an employee is on leave under this section, the
 14 employer shall maintain coverage under any group health plan at the level and under
 15 the conditions that coverage would have been provided if the employee had been
 16 employed continuously from the date the leave began to the date the employee returns
 17 from leave under (e) of this section. [HOWEVER, THE EMPLOYER MAY
 18 REQUIRE THAT THE EMPLOYEE PAY ALL OR PART OF THE COSTS FOR
 19 MAINTAINING HEALTH INSURANCE COVERAGE DURING A PERIOD OF
 20 UNPAID LEAVE.]

21 * **Sec. 5.** AS 39.35.160(d) is amended to read:

22 (d) The employer of a member who is employed by a school district, a
 23 regional educational attendance area, or a state boarding school who is assaulted while
 24 on the job and who, as a result of a physical injury from the assault, is placed on
 25 [UNPAID] leave of absence or is receiving benefits under AS 23.30, shall pay the
 26 member's contributions under this section while the member is, as a result of the on-
 27 the-job injury, on [UNPAID] leave or receiving the benefits under AS 23.30.